

AN ORDINANCE **97249**

APPROVING AND AUTHORIZING AN ECONOMIC DEVELOPMENT CONTRACT BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE UPON APPROVAL OF EIGHT (8) AFFIRMATIVE VOTES.

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WHEREAS, the City expects to enter into the Project Starbright Agreement by and among the Toyota Motor Manufacturing North America, Inc., a Kentucky corporation, the State of Texas, the City of San Antonio, Texas and various other political subdivisions of the State of Texas (the “Starbright Agreement”) to advance the public purposes of developing and diversifying the economy of the state, eliminating unemployment and under employment in the state and developing or expanding transportation or commerce in the state and for other related purposes; and

WHEREAS, pursuant to the Starbright Agreement, the City expects to cause certain of its obligations under the Starbright Agreement to be effectuated through an industrial development corporation; and

WHEREAS, the City of San Antonio, Texas (the “City”), has, pursuant to the Development Corporation Act of 1979, Texas Revised Civil Statutes Annotated, Article 5190.6, as amended (the “Act”), approved and provided for the creation of the City of San Antonio, Texas, Starbright Industrial Development Corporation as a non-stock, non-profit corporation to aid, assist and act on behalf of the City in the performance of the City’s governmental and proprietary functions with respect to commercial and industrial development, including but not limited to the acquisition of land ; and

WHEREAS, the City desires to enter into the Economic Development Contract (the “Contract”) with the Corporation to set forth the respective obligations of the City and the Corporation to carry out the aforesaid agreements and obligations undertaken by the City under the Starbright Agreement; and

WHEREAS, the City Council finds that it is in the best interest of the City to authorize and approve the Contract and that its immediate approval is necessary for the preservation of the public peace, property, health or safety in the City; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Approval. The City Council hereby approves and authorizes the contract described in the title of this Ordinance, in substantially the form as attached hereto as Exhibit A and incorporated herein by this reference. The City Manager, or the designee of the City Manager, is hereby authorized to execute the documents and all related documents on behalf of the City. The City Clerk is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

SECTION 2. Further Actions. The City Manager, the Director of Finance, the City Clerk, the City Attorney, the Director of Economic Development and other officers of the City are hereby authorized and directed, jointly and severally, to take all actions necessary to execute and deliver any and all

documents, including the Economic Development Contract, which they may deem necessary or advisable in order the effectuate the purposes of this Ordinance, including the execution of any notice, certificate, consent, receipt or opinion required to effectuate the Economic Development Contract or this Ordinance. The City Manager, in consultation with the City Attorney, may make such changes as may be necessary to implement the purposes of this Ordinance provided that, the modifications do not in the aggregate, materially increase the City's obligation under this Contract. The grant of authority in the proceeding sentence shall be liberally construed to effectuate the purposes of this Ordinance and the Corporation.

SECTION 3. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

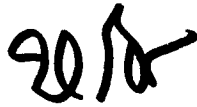
SECTION 4. Open Meetings. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Section 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 5. Preamble. The findings, determinations and other matters included in the preamble to this Ordinance are hereby determined to be true and correct and are adopted as part of this Ordinance.

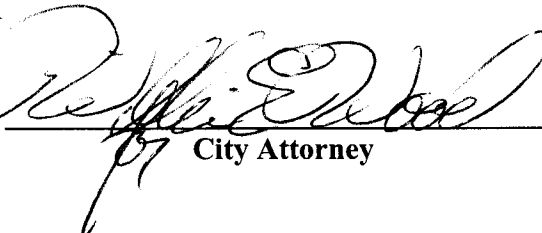
SECTION 6. Repealer. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. Effective Date. This ordinance shall be immediately effective if passed by at least eight votes. Otherwise, it shall be effective on March 9, 2003.

PASSED AND APPROVED this 27th day of February, 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
City Attorney